

SUFFOLK COUNTY BOARD OF ETHICS  
Minutes of Public Meeting Held on  
October 19, 2016  
In the Office of the Board of Ethics  
Sunrise Business Center, 3500 Sunrise Highway, Room 364  
Great River, New York 11739

Meeting: *Board Members present:* Linda Spahr, Richard Halverson, Anthony Parlatore and Eric Kopp. *Excused Absence:* Dennis O'Doherty. *Staff present:* Samantha Segal, Executive Director and Darlene Mohlmann, Board Secretary, taking minutes.

Ascertainment of Quorum: The meeting was called to order at 9:30 a.m. by Chair, Linda Spahr. A roll call was conducted and a quorum was present.

Adoption of Agenda: A motion was made by Linda Spahr, seconded by Anthony Parlatore, to adopt the agenda as amended to reflect the correct date of the next scheduled meeting. Upon a vote being taken, motion was approved (4-0-0).

Adoption of Minutes: A motion was made by Anthony Parlatore, seconded by Eric Kopp to adopt the minutes of the October 5, 2016 meeting. Upon a vote being taken, motion was approved (4-0-0).

Public Session: Linda Spahr opened Public Session. No members of the public were present and no written testimony was submitted.

Executive Director, Samantha Segal, reported the following public inquiries:

- Suffolk County Department of Social Services inquired whether the upcoming ethics training offered continuing education credit to social workers. Ms. Segal advised that the Board of Ethics office has looked into becoming a sponsor of such credits but does not have the budget for the \$900.00 application fee;
- Federal Government contacted the office regarding FOIL requests to Suffolk County, and looking for contact information of a Department, because our office's webpage was the most informative on the subject.

Chair, Linda Spahr, reported the following public inquiry:

- Was approached at the Ways and Means Committee Meeting and asked whether the upcoming ethics training offered continuing education credit to realtors.

Linda Spahr closed Public Session.

Chair Report: Linda Spahr, Chair, reported and/or discussed the following:

- Ways and Means Committee Meeting: Samantha Segal, Executive Director; John Gross, Esq., Counsel; Richard Halverson, Vice Chair; and Linda Spahr, Chair, were in attendance;
  - FOIL vs Chapter 77 requests for public records;
  - Public sector vs Private sector documents: Sector custody of record determines whether it is a public vs private document;
  - Clerking vs Reviewing functions: Other jurisdictions have an entity other than the assigned reviewing entity as custodian of the records;
  - Committee requested follow-up documents, which have since been provided to Counsel for review and distribution;
  - Preparing a list of recommendations for the next Ways and Means Committee Meeting;
  - Suggestion to create an all-employee tip guide for training;
    - Ms. Segal created "10 Tips: Conflicts Training Material" guide, a summary of 10 Board rendered Advisory Opinions.
- Legislative Resolution No. 2-2016, Rules of the Suffolk County Legislature:
  - Rule No. 4(f) as it relates to rendered and future Advisory Opinions of the Board.

Executive Director Report: Samantha Segal, Executive Director, reported and/or discussed the following:

- Training:
  - All-Employee Ethics Training, October 24, 2016 from 2:00 p.m. – 4:00 p.m.:

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- 132 confirmed attendees to date, from various departments including Health, Probation, Police, Information Technology, County Executive, etc.; Maximum seating capacity is 144;
- An additional training may be necessary as it is likely maximum capacity will be reached;
- FOIL:
  - The FOIL Officer received a record request that needs legal clarification with respect to records of the Suffolk Regional Off-Track Betting Corporation employees who previously filed under corporate policy as a public benefit corporation and have since been deemed not to be required filers by law;
    - Office reached out to New York State Archives and Counsel regarding the CO-2 Schedule and what to do with records in our possession that we are not the custodian of;
    - Conclusion will impact filings of Suffolk County Community College, Town Political Party Leaders, and employees of the Suffolk Regional Off-Track Betting Corporation;
- Budget:
  - The Legislative Budget Review Office Report submitted on October 14, 2016:
    - Highlighted that the Board requested additional staff that was not reflected on the County Executive's Recommended Operating Budget;
    - Misreported that "the Board has never expended more than \$50,000 for legal expenses." To date the Board has expended approximately \$57,500 for legal expenses and anticipates expending the full budget by the end of the year;
- Financial Disclosure Statement Review:
  - Board directed audits included dual/outside employment and contacts;
  - Board directed staff to follow-up on audits that have not been responded to or completed;
  - The State has a law pending that it would be a violation to not participate in audits of the forms;
- Board directive clarification:
  - Final determinations, complaint/investigation findings, etc., to be posted on the Board's webpage from 2016 and going forward;
- ADA Compliance/ posting readily available records on the Board's webpage such as Elected Official's Sworn Statements, Lobbyist Sworn Statements, Candidate's Sworn Statements, etc;
- Procedural Motion No. 21-2016:
  - Board is taking a stake holder position and has submitted no papers to the Court.

The Board compiled the following list of recommendations for the next Ways and Means Committee Meeting;

- 1) Financial Disclosure Statement required filers designated in law by title;
- 2) FOIL Appeals Officer be someone other than the Executive Director;
- 3) Approve Investigator position;
- 4) Amend or remove Suffolk County Administrative Code §A30-5 (D) to allow the Board to assist in the preparation of a complaint;
- 5) Amend Suffolk County Code Chapter 77 §77-1 to include a definition of "gift;"
- 6) Amend Suffolk County Administrative Code §A30-8 to decriminalize unauthorized release of confidential information;
- 7) Amend Suffolk County Code Chapter 77 to include that it be a violation to not participate in a Financial Disclosure Statement Audit;
- 8) Constitute a fine collection procedure;
- 9) Amend Suffolk County Charter §C30-3 to include Board authority and responsibility to interpret the Suffolk County Ethics laws.

Review of Board Redaction Policy: The Board reviewed Policy #002/2014, the Board Redaction Policy. A motion was made by Anthony Parlatore, seconded by Linda Spahr to reaffirm the Board Redaction Policy, Policy #002/2014, dated July 23, 2014. Upon a vote being taken, motion was approved (4-0-0).

Executive Session: At 10:20 a.m. a motion was made by Linda Spahr, seconded by Eric Kopp to go into Executive Session for the purpose of discussing confidential matters pertaining to one Disclosure, two Advisory Opinion Requests, one Confidential Work Log, one Personnel Matter and Counsel Updates in accordance with the Suffolk County Administrative Code §A30-8 and the New York State Open Meetings Law. Upon a vote being taken, motion was approved (4-0-0).

During Executive Session:

A motion was made:

- To reconsider Disclosure 003-2016. No second. Failed;
- To approve standing of Advisory Opinion No. AO-2016-23. Approved (4-0-0);
- To approve standing of Advisory Opinion No. AO-2016-24. Approved (4-0-0);

A motion was made by Linda Spahr, seconded by Eric Kopp, to close Executive Session. Upon a vote being taken, motion was approved (4-0-0).

New Business: None.

The next meeting of the Board will be held November 2, 2016 at 9:30 a.m.

There being no further business, a motion was made by Anthony Parlatore, seconded by Richard Halverson to adjourn the meeting. Upon a vote being taken, motion was approved (4-0-0) (11:05 a.m.).